

### **REMARKS**

A Request for Continued Examination (RCE) has been filed concurrently with this response.

Claims 27, 28, and 32-35, 37-40, 43-62 remain pending. Claims 35, 37-40, 43-46, and 48-56 have been amended. Claims 36, 41, and 42 have been cancelled. Claims 60-62 have been added. Claims 60-62 define the system acquisition lists associated with each of the different deep sleep mode levels. Support for the subject matter of these claims can be found at least in paragraph [0030] of the original specification. Thus, no new subject matter has been added by virtue of adding these claims.

#### **Rejection of Claims under 35 U.S.C. §102(b)**

Claims 35-41, 44 and 52-59 are rejected under 35 U.S.C. §102(b) as being anticipated by Abreu et al. In response, Applicants have amended independent claims 35 and 56 to define explicitly and distinctly the subject matter of the claimed invention. Applicants respectfully request reconsideration of the rejections under 35 U.S.C. §102(b) for the following reasons.

Amended claim 35 of the present application recites:

A method for saving battery power in a mobile device switched to a deep sleep mode, the method comprising:

- a) monitoring a system channel to determine a number of times the system channel is lost within a timeout period;
- b) when the number of times the system channel is lost exceeds a predetermined number, entering a deep sleep mode level of the deep sleep mode, the deep sleep mode having first, second, and third deep sleep mode levels, each of the deep sleep mode levels having associated therewith a respective system acquisition list and a respective sleep time interval;
- c) waking up from the deep sleep mode after elapse of the respective sleep time interval associated with the current deep sleep mode level;

d) iteratively sampling RF signal strength of systems in the respective system acquisition list associated with the current deep sleep mode level; and,

e) if the sampled RF signal strength of the systems in the respective system acquisition list associated with the current deep sleep mode level is less than a predetermined level, re-entering the deep sleep mode at the subsequent deep sleep mode level.

Claim 35 includes the limitation of "entering a deep sleep mode level of the deep sleep mode, the deep sleep mode having first, second, and third deep sleep mode levels, each of the deep sleep mode levels having associated therewith a respective system acquisition list and a respective sleep time interval". As stated by the Examiner in item 6 of the Office Action, Abreu does not disclose "the list of systems includes a first system list, a second system list, and a third system list associated with the first, second, and third level sleep modes respectively." Thus, the limitation of a respective system acquisition list in claim 35 provides a distinct advantage over Abreu. As stated at paragraph [0030] of the disclosure of the present application, the mobile device attempts different systems for acquisition in each deep sleep mode level. Searching different systems for acquisition based on the deep sleep mode level not only conserves the battery, but also increases the probability of finding a suitable system for establishing a connection. Therefore, a level of sophistication is present in the method of claim 35 which is not found in Abreu. Withdrawal of the rejection under 35 U.S.C. §102(b) is requested. Since claims 37-40, 44, and 52-55 depend from, and include the limitations of claim 35, Applicants respectfully request that the Examiner's rejection of these claims under 35 U.S.C. §102(b) also be withdrawn. Claims 36 and 41 have been cancelled, thus rejections to these claims are rendered moot.

Furthermore, amended claim 56 of the present invention includes the limitation of "entering a deep sleep mode level of the deep sleep mode, the deep sleep mode having first, second, and third deep sleep mode levels, each of the deep sleep mode levels having associated therewith a respective system acquisition list and a respective sleep time interval". Again, Abreu does not disclose this limitation. Consequently, Applicants submit that Abreu fails to teach all the limitations of claim 56, or its dependent claims 57-59, and request that the Examiner's rejection of these claims under 35 U.S.C. §102(b) be withdrawn.

Rejection of Claims under 35 U.S.C. §103(a)

Claims 42 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Abreu in view of Sklovsky (U.S. Patent Application 2004/0041538A1). The Examiner has also rejected claims 45-51 under 35 U.S.C. §103(a) as being unpatentable over Abreu in view of Sasaki (US Patent 5,539,858). In response, Applicants have amended claim 43 to define explicitly and distinctly the subject matter of the claimed invention.

In view of the arguments made above with respect to Abreu, it is clear that Abreu does not teach or suggest all of the limitations of claims 35 and 37, from which claims 43 and 45-51 depend.

Moreover, Sklovsky does not teach the limitation of "the deep sleep mode having first, second, and third deep sleep mode levels, each of the deep sleep mode levels having associated therewith a respective system acquisition list and a respective sleep time interval." In particular, Sklovsky does not teach any systems acquisition lists associated with different deep sleep mode levels. As stated in an earlier response, Sklovsky's teachings are directed to the conservation of power in situations where battery power is low (paragraph 22) and not to the conservation of power in situations where it would be advantageous to enter a deep sleep mode due to the absence of a system channel.

The Examiner has rejected claim 43 as obvious in view of Abreu and Sklovsky, and cites paragraph 29 of Sklovsky in support of the allegation that Sklovsky teaches that "the first system list is a subset of the second system list and the third system list, and the second system list is a subset of the third system list". As noted above, Applicants submit that Sklovsky contains no teaching of any system acquisition lists. Even those lists that Sklovsky does disclose, such as lists of functions, or lists of proposed battery saving modes, are not subsets of system acquisition lists associated with sleep mode levels, since Sklovsky does not disclose sleep mode levels either. Therefore, the combination of Abreu and Sklovsky cannot teach or suggest the limitations of claim 43.

Accordingly, Applicants respectfully requests that the Examiner's rejections of claim 43 under 35 U.S.C. §103(a) be withdrawn. Claim 42 has been cancelled, thus the rejection to this claim is rendered moot.

The Examiner has rejected claims 45-51 under 35 U.S.C. §103(a) as being unpatentable over Abreu in view of Sasaki. In response, Applicants reiterate arguments made above with respect to Abreu that Abreu does not teach or suggest all of the limitations of

claims 35 and 37 from which claims 43 and 45-51 depend. Therefore, the combination of Abreu and Sasaki fails to teach or suggest the limitations of claim 45-51.

Applicants accordingly request that the Examiner's rejections of claims 45-51 under 35 U.S.C. §103(a) be withdrawn.

Applicants submit that in view of the amendments to the application, and the foregoing arguments, the application is in condition for allowance and earnestly solicits action to that end.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,  
**Islam et al.**

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